

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7106 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
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RAJEN VITTHALDAS RANGPARIA

Versus

STATE OF GUJARAT

Appearance:

MRS DT SHAH for Petitioner
MS. B.R. GAJJAR, A.G.P. for Respondent No. 1, 4, 5
SERVED for Respondent No. 2
MR DD VYAS for Respondent No. 3

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 11/04/96

ORAL JUDGEMENT

The matter is taken up for final disposal at the request of all the concerned parties.

The grievance of the petitioner is that while computing the past services of the petitioner for the purpose of pension it was under the order dated 20.5.1991

at Annexure-D to the petition, held by the Government that the petitioner's request for protecting the last pay drawn in the past services cannot be acceded to under the existing Rules. According to the petitioner he is entitled to protection of the last pay drawn from March 1987 which was Rs. 2000/- per month basic. After the impugned order was passed the petitioner had on 23.9.1991 made a detailed representation to the Government, a copy of which is at Annexure-C to the petition for protecting his last pay drawn. Even earlier on 27.6.1989 the petitioner had claimed protection of his last pay drawn by addressing an application to the Director. In his detailed representation dated 23.9.1991 the petitioner has referred to various Resolutions and orders of the Government on the basis of which he claimed protection of his last pay drawn in the previous services. In their order dated 20.5.1990 the Government have not given any reasons for rejecting the application of the petitioner for protecting last pay drawn by him. It would therefore be appropriate to direct the respondent Government to reconsider that aspect of the matter in light of the representation of the petitioner dated 23.9.1991, a copy of which is at Annexure-C to the petition and take a fresh decision as to whether the petitioner is, under the relevant Rules, Circulars etc. including Circular No. 21.12.1988 on which the reliance is placed by the petitioner, entitled to protection of his last pay drawn as claimed by him. Such a decision should be taken expeditiously preferably within four weeks and it should be by a speaking order. The decision will be communicated to the petitioner within two weeks after it is taken. It will be open for the petitioner to make further representation in the matter within one week from today. In view of these directions, the learned counsel for the petitioner submits that the petitioner seeks permission to withdraw this petition. Petition is permitted to be withdrawn. Rule is discharged with no order as to costs.

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